

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

JIMMIE HORNE,

Plaintiff,  
v.

DR. DAUGHTRY, et al.

Defendants.

---

ORDER

Case No. 23-cv-621-jdp

JIMMIE HORNE,

Plaintiff,  
v.

DR. BREEN, et al.

Defendants.

---

ORDER

Case No. 23-cv-622-jdp

On September 19, 2023, this court entered an order directing plaintiff Jimmie Horne to submit by October 10, 2023 initial partial payments of the filing fees in the amount of \$63.02 for each of these cases. Now plaintiff has filed a motion to use release account funds to pay the entire fee for filing the cases. However, with the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Therefore, plaintiff cannot use the release account funds to pay the entire balance of the \$350.00 filing fee for each case.

The only amount plaintiff must pay at this time are the \$63.02 initial partial payments for each case. Before officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes.

Since the court has not yet received plaintiff's \$63.02 initial partial payments and the deadline is October 10, 2023, the court will provide plaintiff with an enlargement of time until October 23, 2023 to pay the initial partial payments.

ORDER

IT IS ORDERED that,

1. Plaintiff Jimmie Horne's motion for use of release account funds to pay the entire filing fee in these cases is DENIED.

2. Plaintiff may have until October 23, 2023, to submit a check or money order made payable to the clerk of court in the amount of \$63.02 for each case (or one check in the amount of \$126.04). If by October 23, 2023, plaintiff fails to make the initial partial payments or show cause for failure to do so, plaintiff will be held to have withdrawn the actions voluntarily and the cases will be closed without prejudice to plaintiff filing at a later date.

Entered this 22<sup>nd</sup> day of September, 2023.

BY THE COURT:

/s/  
ANDREW R. WISEMAN  
United States Magistrate Judge